

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROWVAUGHN WELLS, Individually
and as Administratrix Ad Litem of the
Estate of Tyre Deandre Nichols, deceased.

Plaintiff,

v.

Case No. 2:23-cv-02224-MSN-atc
JURY DEMAND

THE CITY OF MEMPHIS, a municipality;
CHIEF CERELYN DAVIS, in Her Official
Capacity; EMMITT MARTIN III, in His
Individual Capacity; DEMETRIUS HALEY,
in His Individual Capacity; JUSTIN SMITH,
in His Individual Capacity; DESMOND MILLS,
JR., in His Individual Capacity; TADARRIUS
BEAN, in His Individual Capacity; PRESTON
HEMPHILL, in His Individual Capacity;
ROBERT LONG, in His Individual Capacity;
JAMICHAEL SANDRIDGE, in His Individual
Capacity; MICHELLE WHITAKER, in Her
Individual Capacity; and DEWAYNE SMITH,
in His Individual Capacity and as an Agent of the
City of Memphis,

Defendants.

**ORDER DENYING MOTION FOR LEAVE TO FILE A JOINT RESPONSE TO
DEFENDANTS' MOTION TO DISMISS AND MOTION TO STRIKE**

Before the Court is Plaintiff's Unopposed Motion for Leave to File a Joint Response to Defendants' Motion to Dismiss Plaintiff's Complaint and Motion to Strike Allegations from Plaintiff's Complaint. (ECF No. 89, "Motion"). For the reasons below, the Motion is **DENIED**.

On July 7, 2023, Defendants City of Memphis, Chief Cerelyn Davis (in her official capacity), and Dewayne Smith (as Agent of the City of Memphis) ("City Defendants") filed two

Motions that remain pending: (1) a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 81) and (2) a Motion to Strike Allegations from Complaint (ECF No. 82), which the Court referred to the Magistrate Judge on July 10, 2023 (*see* ECF No. 84). In the Motion currently before the Court, Plaintiff asks that she be able to respond to Defendants' Motions in one response of forty pages rather than two, twenty-page responses. (ECF No. 89 at PageID 778.) In support of her Motion, Plaintiff cites the significant overlap in the factual allegations relevant to each of Defendant's Motions, and notes that the overall page limit would remain the same. (*Id.*)

The Court understands why Plaintiff would prefer to file a joint response to Defendants' Motions rather than two and recognizes that such a route would be more efficient in some ways. Given that different legal standards apply to Defendants' Motions, however, and since those Motions are currently pending before different judges, the Court finds that the risk of confusion from filing a joint response to Defendants' different Motions outweighs the potential benefits filing one response may have for judicial economy. Plaintiff's Motion is thus **DENIED**.

IT IS SO ORDERED, this 7th day of August, 2023.

s/ Mark S. Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE